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AUTHOR Long, Neyda H.
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ABSTRACT

Although a discussion of human rights is perhaps the most important topic of any social studies curriculum, such discussions are absent from even those curriculum topics where they would seem most appropriate. While the foundational principles of human rights are basic in all cultures throughout history, these basics are seldom taught. This paper seeks to create an awareness of the history and fundamental issues of human rights, and reviews how school curricula in New Brunswick (Canada) reflect human rights controversies. The first section of the paper outlines the basic concepts of natural law and positive law and argues that human rights are based on a universal conceptualization of the human essence. The second section discusses the debate between universalism and the epistemological relativism and anthropological relativism. The last section stresses the importance of helping students comprehend the rights and duties of citizenship. (Contains 14 references.) (BT)

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by

Neyda H. Long

New Brunswick University
Fredericton, NB

SO 031 076

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DIVERSITY, HUMAN RIGHTS, AND CURRICULUM IN CANADA

By Neyda H. Long
New Brunswick University. Fredericton,NB.

1. Relationship Between Universality of Human Rights and Anthropological Relativism.

Story one:

"In 1987, Roop Kanvar, an eighteen-year old Rajput girl, was burned alive on her husband's funeral pyre. She was married by her parents through an arranged marriage at the age of sixteen and was a university student when her husband died of cancer. It is not clear whether she committed *sati* voluntarily or under pressure from her in-laws. It is said that she appeared to be heavily drugged on the day of her burning. The case caused quite stir in India. Women's groups organized marches in protest of the practice. Many of the Rajputs, however, both men and women, defended the practice on the basis of cultural relativism stating that *sati* is an ancient Rajput tradition. They claimed the right to commit *sati* as part of their culture and erected a shrine in honour of Roop Kanwar, who became a symbol for a group of Rajput extremists. Indian human rights activists were branded by them as Western imperialists imposing their views on ancient Indian culture.. The Indian feminist movement was discredited for denigrating their national culture, for its lack of national pride, and for tarnishing the image of India abroad. Although the Indian government has repeatedly passed laws prohibiting *sati*, these laws are difficult to enforce because federal prosecutors are often unable to gather evidence against the offenders from a community that protects them. (extracted from Coomaraswamy 1994:39-57"[1]

[1]Elizabeth M. Zechenter . In the Name of Culture: Cultural Relativism and the Abuse of the Individual. Journal of Anthropological Research vol 53, 1997 p. 328

Story two:

"In 1996, two teenage Algerian girls were first raped and then murdered in front of the entire village by the followers of fundamentalistic Islamic leader Sherif Kosami, who issued an edict that all women who attend schools, in violation of the tradition of Islam, shall be raped and murdered. In addition the mother of the two girls was slaughtered when she attempted to shield her daughters. The murdered girls were fifteen and sixteen years old and attended high school in the hope of becoming either nurses or doctors. Both were religious, both wore veils, and both studied the Koran daily. According to the girls' father, the girls wanted to practice medicine in small villages where there are no women doctors and where village women are deprived of basic medical help because Islam prohibits women from undressing in front of male doctors. Sherif Kosami, religious leader of the fundamentalist Armed Islamic group, does not approve of women's education because, in his view, education corrupts Muslim girls. Kosami has issued an edict in which he proclaims that women attending schools should be punished by death.. Moreover, Kosami believes that the "holy warriors" of Allah, i.e., his followers, have a moral and religious right to rape their victim, or as Kosami puts it, they have a license "for enjoyment of marriage". The newspapers report that at least 112 schoolgirls or women teachers were raped and murdered in Algeria in the first few month of 1996. Extracted from Bhatia 1996:C11)"[2]

[2]I bid. P.330

What is similar about these stories? Certainly, they differ in locale, and they differ in those who play key roles. The key similarity in these terrifying stories is that, without even a second thought, one human violates the basic rights of another. And, this violation is done for one, simple reason. The aggressor has the opportunity and the power to do so. Sadly, were the

situations changed, the aggressor would probably become the victim; and, the victim the aggressor. In the history of our planet, we seem to have learned little about the basic understandings of human rights.

This paper will discuss human rights. Perhaps, such a discussion is the single most important topic of any social studies curriculum. However, as my paper will show, such discussions are absent from even those curriculum topics where they would seem most natural. My contention in this paper is that, while the foundational principles of human rights are basic in all cultures throughout history, these basics are seldom taught. As a result, it is easy to answer the question: "Why don't people value the human rights of others? -- " Because they have not been taught to do so."

The first purpose of this article is to create an awareness of the history and fundamental issues of the human rights. The second is to review how school curricula in New Brunswick reflect human rights controversies. The first section will outline the basic concepts of natural law and positive law and argues that human rights is based on a universal conceptualization of the human essence. My second section discusses the debate between universalism and the epistemological relativism and anthropological relativism. The last section of the article stresses the importance of instructing the comprehension of rights and duties as a citizen.

What is Human Rights?

As Maurice Cranston (1973) points out, human rights are inherent to the basic nature of being human. Human rights cannot be conferred by law, because basic human rights belong to the realm of natural law which supercedes the positive law. Natural law centers authority upon

the fundamental dictums from justice and morality. Positive law centers authority upon the dictum from legislation.

Interest in human rights can be found in a variety of all ancient texts, which describe the universality of human rights and suggest that the universality of natural law and goes beyond cultures and remains static throughout history. It comes first from Greek philosophers like Socrates and Sophocles. Sophocles states, in his play "Antigone," that the weight of natural law is stronger than any positive law or any King's edict.

In Jewish early writings, natural law is present in humans because God "wrote" it on every human heart, like the basic genetic DNA in every human cell. That humans are created in God's image -- *"imago Dei"* -- is a common denominator of the writings in Jewish, Islamic and Christian traditions. Early Jewish writings clearly conceptualized the equality of all human beings as coming from Adam and Eve -- one source. In this ancient text, there are no superior or inferior races. The creation story is many things, one of them being the first account of an anti-racist concept.

Universality of Human Rights

Many other world writers state the basic foundation of human rights. For example, African authors (Dustan M. Wai et al. 1979)$_3$ reiterate that, before the colonial period people enjoyed freedom and well being, it was natural for tribal leaders to look after the welfare of the people. But, as history suggests, contact with Europeans had a devastating effect on African law and values. The result is the recent, constant struggle against corruption and abuses of power. Confucianism (Joseph Chan 1999$_1$; Peter K.Y. Woo 1980 $_2$) states that the peace and well-being of all humans are based on virtue. And, the great Latin American leader, Simon Bolivar stated

that virtue is the foundation for our freedom (Neal Ronning 1979). In most cultures, high standards of moral behavior seem to be the cohesive force that will protect the basics rights, like freedom and justice for all.

John Locke (1632-1704) believed that humans have some basic rights -- life, liberty and property. Like other writers, Locke argues for the existence of inalienable rights in human beings. These rights can not be taken away; but, rather, they belong to the essence of the human being. Canstron (1973) asserts the existence of natural law which governs all peoples across cultures. Positive law only comes into play when natural law cannot enforce the well being of citizens.

Alan Renbaun (1980) also states that human rights are universal and inherent to humans. His work argues the difference between "collective" rights and "individual" rights. It is necessary, he says, to establish a balance between the rights of the individual and the rights of the community. Garth Baker- Fletcher (1991) studies Martin Luther King's view of dignity. He notes that humanity's search for dignity is the human struggle that gives meaning to life. True dignity cannot be imposed; it is inherited. No power can take it away.

Human Rights universal or culturally relative

More recently, Onuma Yasauaky (1999,p 103) asks: *Are human rights universal or are they culturally relative?* She notes that west-centric concepts tend to ignore native perspectives in human rights and governance, because they are countries with a dark legacy of Western colonialism and interventionist policy. Michael Perry (1997) asserts that human nature has intrinsic characteristics. For example, humans are sacred. These rights are basic and universal to each human.

Universalists conceptualize that all needs are common to all human beings. Pluralists

differ slightly noting that some needs are not common to all humans, but desires and varieties of lifestyle are not common to all. Pluralists suggest that humans do not share all needs – specially social needs. Micheal Perry (1997) concludes that universalism is the best alternative. Hegel joins the debate and asserts that socialization and history create, mold, and transform every human. He denies the concept of human essence and the basic human rights and needs, but considers the importance of collective rights. (Michael Perry, 1997).

In June 1993, the UN-sponsored a world conference on Human Rights. At this conference, the concept of cultural relativism as a defense for oppression and human rights violations was rejected. The main UN resolution stated that human rights and fundamental freedoms are the birth right of all humans. Natural law identifies acts and prohibits all acts of cruelty -- for example, feminine circumcision. The UN argued that cultural relativism cannot become a refuge of repression. Although this argument is recent, the argument against cultural relativism has no solid base anywhere in history. All ancient texts advocated the protection of basic human freedoms.

Cultural relativism

Elizabeth M. Zechenter (1997) outlines the debate between cultural relativism and universalism in the area of human rights. She suggests that the debate centers on cultural diversity. Zechenter avoids the use of ethnocentric concepts in the evaluation and criteria of a situation of basic human rights violations. Like others throughout history, Zechenter argues that certain rights are inalienable and universal. Thus, it follows that any culture must guarantee the basic protection of human rights. She summarizes three jurisprudential theories entitle all individuals to basic rights: (1) The theory of natural law declares that individuals have

unalienable rights. (2) The Theory of rationalism considers that universal human rights exist regardless of culture, ideology, or value systems. (3) The theory of positive law affirms that international law and treaties created universal human rights.

Michael Perry (1998, p 106) concludes that "*human rights, as international legal rights, should be and, happily, are absolute*". We could also argue with the diverse voices of lawyers, philosophers, and anthropologists, that it is important to find a balance between cultural differences and the basic essence of all humans. There are some things that ought to be done for all human beings; these include the provision of food, shelter and water. There are also things that should not be done to any human being under any circumstances; one example is torture.

2) Cultural diversity and Human Rights.

This section discusses the issues of cultural differences and diversity. Here, I analyze the basic philosophical assumptions of the Islamic, Jewish, Chinese, and Christian traditions. My analysis will draw on Michael Perry's (1997) work which asserts that similarities exist between the Islamic world and the Christian Fundamentalist. For example, women have been discriminated against by both patriarchal Christianity and patriarchal Islam. His suggestion for change centers upon an internal critique because, as he notes, it produces more powerful changes in human rights. It also forces adherents to reinterpret the ancient dictates of Islamic and the ancient writings of Christianity.

Abraham Kaplan (1980) states that human rights are worth only as much as it is worth to be a human. Saadya Gaon (882-942) notes that " man is the final object of creation".." The whole work of creation was for the sake of man" p. 54. He was created in the image of God and this embodies ".." ultimate and supreme worth" p. 55. Man ought to be treated with love and

respect. Also Kaplan acknowledges, the concept of sanctity of life; "One human being is worth as much as the whole creation" (p.56). These examples demonstrates that Judaism is a doctrine of action and not empty words.

A Catholic view of Human Rights (R.J. Henle S.J 1980) centers its authority upon the dictum that "*Man is made in the image of God*" p.88. The rights of men are *"unalienable"* They are based on human nature. Seyyel Hossein Nasr (1980) acknowledges that freedom in the Islamic civilization is a pure experience, and humans participate in the freedom with God. Thomas Jefferson wrote to George Washington in 1794: " humans are endowed by the Creator with certain inalienable rights" .." These rights are part of the man himself" p.26. On the other hand, the term "rights" was non-existent in the Chinese vocabulary , until China entered in contact with the Western culture. (Mab Nuag,1979).

Natural law dictates that the human spirit must be free to enquire, to search, and to arrive to conclusions. The human being cannot be imprisoned by any ideological, system, theological, or political doctrine or system. In conclusion, the promotion of democratic values through education are the safeguards against gross violation of human rights.

3) Are the intended curriculum, actual curriculum, and learned curriculum Western-centric?

This section will describe the actual social studies curriculum in New Brunswick as an example of how a province addresses human rights. The actual textbook used in New Brunswick schools "Global Insights. People and cultures" (Hantula et al. 1987) is used in ninth grade. It should offer alternative ways of critical thinking and alternative points of view in political and social issues. However, this is not the case.

In fact, the structure of the units neglect the presentation of the basic natural law across

nations, cultures, and languages. Nowhere in the units are peoples' voices emphasized. Dissenting voices are almost squeezed out of existence. The authors perceive political struggle as "nice little acts of" government structures. For example, the European invasion and the human tragedy of the slave trade are presented without the debate of human struggle. There is no recognition of the intercultural influence throughout history, like wars and the slave trade. These and other dramatic events have shaped the social and economic system of today's world.

Nor do the authors of this book accentuate the sacredness of life and the basic right of life. The units fail to describe the use of power and political struggle. These units should demonstrate, with examples that things that should not be done to human beings and what things ought to be done to human beings. The book fails to portray, or even discuss, the basic ingredients for peace, or a respect for basic human rights. What students should learn is that an unbalance arises when individuals have their rights violated, for example, the legacy of the ill treatment of the original settlers by the Spanish in Latin America and the English in Africa.

The respect for those fundamental freedoms that would constitute the foundation for justice and peace in the world are absent from the units. Students should learn that the denial of basic human rights creates lack of stability and it travels across the borders. But, the textbook fails to compare the similarities and differences among cultures and presents diverse cultures like isolated islands without interaction or communication. Consequently, the textbook does little help to help the student develop an attitude of mutual understanding and acceptance for others.

To make matters worse, the textbook describes diverse customs and practices without real people's voices. History is written without specific and contradictory political points of view. In synthesis, the book does not aim in the development of skills and attitudes that would

allow the student to live in a pluralistic society.

This criticism is not new. Sears, Clarke, and Hughes (1999), recall Hodgett's 1968. Study that criticized the quality of civic education in Canada. Hodgett's main criticism was that all Canadian history could be summarized in "nice, neat little acts of parliament." After the Hodgett's report, the Canada Studies Foundation began to provide training for teachers. The Canada Studies foundation encourages teachers to provide a more activistic curriculum, even though, still persist among teachers a strong tendency for a more conservative view of the past.

Summary and Conclusions

In conclusion, middle school curriculum in New Brunswick Social Studies should include a basic notion about the essence of humanity. Programs in cultural diversity should include our common human denominator and it should also include our cultural differences. A perfect balance between similarities and differences in our human accomplishments will ensure the development of skills necessary for the formation of constructive citizens who will be proficiently equipped to face diversity.

The notion of the sacredness of human life must be present in every social studies curriculum. If education is to play an active role in the promotion of democratic and civic institutions, the curriculum of civic education must teach students the universal knowledge of human rights. Only we could instill in our youth the awareness of rights and duties as a citizen.

Human rights education solidifies the respect for diversity. We must teach students to respect and value the rights of others. The sacredness of life and the promotion of peaceful coexistence should be paramount objectives in social studies curriculum. Educators must be the guardians, and the promoters of democratic values. Social studies must impart the necessary

skills to meet the challenge, responsibilities and duties as a citizen in a multicultural society in this new millennium. If educators do not teach and challenge students in the universality of human rights and human values. Educators' mission is incomplete.

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